

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8616 OF 2005

Shri Chanaykya Education
Society and anr. ..Petitioners

Vs.

The Secretary
Shikshan Shulka Samiti and anr. ..Respondents

Mr. S.V. Pitre with Mr. Mahesh Subramaniam and
Mr.R.K. Saroj for petitioners.
Mrs. M.P. Thakur, AGP for Respondent No.2.

CORAM: B.H. MARLAPALLE & NARESH H. PATIL, JJ.

Date : September 15, 2006.

P.C.:

1. Heard Mr. Pitre the learned counsel for the petitioners. The respondent no.1-Committee has fixed the fee structure for the following courses run by the petitioner no.2 educational institution for the academic years 2003-04 to 2005-06:-

- (a) M.B.A. - Master of Business Administration
- (b) M.C.A - Master of Computer Application
- (c) M.C.M. - Master of Computer Management
- (d) M.M.M. - Master of Marketing Management

(e) M.P.M. - Master of Personal Management

2. The petitioners contend that for some courses like MBA etc. the fee fixed by the Committee is totally inadequate and not commensurate with the expenditure that the petitioners are required to provide for each student including the infrastructure and supporting services.

3. Mr. Pitre has invited our attention to an order passed by this Court (DB) on 11/10/2005 in Writ Petition No.4589 of 2005. The issue of fees fixation was agitated in the said petition by another educational institution at Pune and the petitioner was allowed to approach the Committee afresh by furnishing more details. Mr. Pitre prays for similar relief.

4. We allow the petitioners to submit a review application to the respondent no.1-Committee by furnishing further details of the financial liabilities, including the borrowing which are required to be served by the petitioner no.1 praying for upward revision in the fees fixation by the

impugned order and if such an application is moved within a period of four weeks from today, the respondent no.1-Committee which is headed by a retired Judge of this court will hear the petitioners and by considering the additional material placed on record will decide the review application as expeditiously as possible and preferably within a period of two months from its submission.

5. Petition is disposed off in terms of the above order.

(Naresh H. Patil, J.)

(B.H. Marlapalle, J.)